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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,478	06/23/2003	Douglas J. Minkler	CLRXP001/426.24	2674
27019	7590	08/24/2005	EXAMINER	
THE CLOROX COMPANY 1221 BROADWAY PO BOX 2351 OAKLAND, CA 94623			COLE, LAURA C	
			ART UNIT	PAPER NUMBER
			1744	
DATE MAILED: 08/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,478

Applicant(s)

MINKLER ET AL.

Examiner

Laura C. Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01302004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Information Disclosure Statement

1. Applicant submitted foreign prior art documents as part of the response filed on 06 June 2005, however these documents were previously cited on the Information Disclosure Statement (PTO-1449) of 30 January 2004. Examiner has considered the foreign prior art documents submitted 06 June 2005 and has indicated their consideration on a second initialed copy of the PTO-1449. Applicant should receive as part of this Office Action:

a) an initialed copy of the PTO-1449 indicating receipt of those prior art documents that have been received on 06 June 2005

b) an initialed copy of the PTO-1449 mailed 02 March 2005 indicating consideration of prior art documents

All prior art cited on PTO-1449 of 30 January 2004 have been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-67 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

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had possession of the claimed invention. In each of the independent claims (claims 1, 10, 25, 38, and 55) the Examiner had previously rejected under 35 U.S.C. 112 second paragraph as being unclear because of the term “relatively.” In view of the amended claims and the Applicant's own specification, the Examiner may have been incorrect by finding the claim unclear because of the term “relatively”. However, the claims as they read at present state that the cleaning implement has a “*rigid* engaging surface” which in view of the Applicant's specification incorrectly characterizes the Applicant's invention. Throughout the specification the Applicant refers to the engaging surface as “relatively rigid” and that the cleaning implement is liquid soluble or dispersible. Therefore, how is it possible for the cleaning implement capable of being both “rigid” and “dispersible”? The Applicant has not provided support in the specification for a “rigid” cleaning implement or a cleaning element having a “rigid” engaging surface, and therefore it is considered new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 25-26 and 55-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Knox et al., USPN 4,075,033.

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Knox discloses the claimed invention including a cleaning head (12) including a support surface (33) defining an elliptical-shaped opening into a gripping cavity thereof (35; see Figure 4), the gripping cavity further being defined by a back wall (31) and a "rigid", inwardly facing, side engaging surface extending between the support surface and the back wall (see inner surface of the device 12 in Figure 4), and a tool comprising an elongated shaft (13) having a handle portion one end (the portion of "13" where "22" is located), and an internal gripping mechanism (14) mounted to the elongated shaft (see Figure 6), and including a collet device having an expansive, circumferential, outward facing contact region sized and dimensioned for sliding insertion through the elliptical-shaped opening and into the gripping cavity (15, Column 4 Line 66 to Column 5 Line 24), the gripping mechanism being selectively movable between a release condition (shown in Figure 3) and a gripping condition (shown in Figure 2) wherein the outward facing contact region (outer surface of "15") is displaced radially outward from a longitudinal axis of the collet device and into gripping cooperation with the side engaging surface to provide an engaging force for mounting the cleaning head (see Figures, Column 4 Line 66 to Column 5 Line 24). Springs (21) act as a force limiting device cooperating with the gripping mechanism to limit the engaging force applied to the side engaging surface of the cleaning head. The cleaning head may comprise of toilet paper (Column 5 Lines 25-30) which is capable of being at least partially liquid soluble or liquid dispersible.

4. Claims 25 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodgers, USPN 2,402,577.

Rodgers discloses the claimed invention including a cleaning head (10, 11, 12, 13) including a support surface (side walls, see Figures) defining an opening into a gripping cavity thereof (15, see Figures), the gripping cavity further being defined by a back wall (unlabeled, see bottom portion of "15" in Figure 4) and a "rigid", inwardly facing, side engaging surface extending between the support surface and the back wall (unlabeled, see tapering inner surface of "15" in Figure 4), and a tool comprising an elongated shaft (16) having a handle portion one end (uppermost outer portion, unlabeled), and an internal gripping mechanism (18) mounted to the elongated shaft (see Figure 1), and including a collet device having an expansive, circumferential, outward facing contact region sized and dimensioned for sliding insertion through the elliptical-shaped opening and into the gripping cavity (19; Column 3 Lines 45-48), the gripping mechanism being selectively movable between a release condition (when "19" is yielding and finger portions are brought closer) and a gripping condition (during natural expansion of "19") wherein the outward facing contact region (outer surface of "19") is displaced radially outward from a longitudinal axis of the collet device and into gripping cooperation with the side engaging surface to provide an engaging force for mounting the cleaning head (see Figures, Column 3 Lines 45-48). The cleaning head is at least partially liquid soluble or liquid dispersible (Column 2 Line 21 to Column 3 Line 13, Column 3 Lines 29-37). The collet device (19) includes a plurality of finger members (see Figures 1-2) extending distally from the elongated shaft (see Figure 1) and positioned generally radially around the collet longitudinal axis (see Figure 2), the outer contact region of each finger having a transverse cross-sectional dimension

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conforming the elliptical shape of the cavity opening when in release condition (see Figures; Column 3 Lines 45-48).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers, USPN 2,402,577.

Rodgers discloses all elements above, however does not disclose that the round opening is "elliptical-shaped", rather that it receives a "bell-shaped" collet device.

It would have been obvious for one of ordinary skill in the art to modify the round opening to specifically be "elliptical-shaped" since the Applicant has not disclosed that the elliptical-shape provides an advantage, is used for a particular purpose, or solves a stated problem and one of ordinary skill in the art, furthermore, would have expected the Applicant's invention to perform equally as well with the rounded opening of Rodgers since they both are for receiving a rounded collet device.

Allowable Subject Matter

6. Claims 1-24 and 38-54 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.

7. Claims 27-28, 30-37, and 59-67 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art made of record includes a cleaning tool assembly comprising the combination of a disposable cleaning head, an elongated shaft having a handle portion, a gripping mechanism mounted to the elongated shaft, including a

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contact region moveable between a gripping condition and a release condition, and an elastic boot configured to extend substantially over the contact region of the gripping mechanism, so when the gripping mechanism is in the gripping condition, the contact region urges the elastic boot against the engaging surface of the cleaning implement to form a substantially liquid-tight seal therebetween to substantially delay solubility or dispersion of the engaging surface.

Applicants Arguments

9. In the response filed 06 June 2005, the Applicant contends that:

A. Knox et al. teaches away from a rigid inner surface of a device. Knox et al. actually teaches a soft cone of toilet paper is satisfactory for use with the appliance.

B. Examiner has failed to call out where Rodger teaches "an elliptical shaped opening" into a "gripping cavity". A spherical "gripping cavity" that is adapted to receive a bell-shaped collet device does not form an elliptical-shaped opening. Further, the opening is inconsistent with the "sliding insertion" asserted by the Examiner.

Response to Arguments

10. Applicant's arguments filed 06 June 2005 have been fully considered but they are not persuasive.

A. First it is noted, that the gripping cavity having a "rigid" side engaging surface is recited in the preamble of Claim 25 as being described as the type of cleaning head that "A maneuvering tool" could be used with and is not positively recited in the claim

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and is not required by the “maneuvering tool”. Secondly, the portion of Knox that the Applicant specifically points out, Column 2 Lines 27-32, describe that “*each layer* may be formed of soft toilet paper”, wherein the “web” of Knox is formed by plurality of layers. Knox discloses that the web is rigid enough to assume the shape of a cup (Column 2 Lines 16-18) and the layers may be formed of different compositions (Column 2 Lines 32-37). Therefore the cleaning head has a “rigid” engaging surface.

B. Again regarding claim 25 in that the support surface has “an elliptical-shaped opening” is recited in the preamble of the claim as being part of a described cleaning head that “A maneuvering tool” could be used with and is not positively recited in the claim and is not required by the “maneuvering tool”. In response to applicant's argument that the contact region is sized and dimensioned *for* sliding insertion through the elliptical shaped opening and into the gripping cavity”, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963). It has been also made clear in *Rodgers* via the directional arrow in Figure 1 and in Column 3 Lines 45-49, that the collet device may attach to the cleaning head with a “snap button effect”, that the snap button effect clearly appears to be achieved by sliding the collet portion through the opening.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCC
LCC
18 August 2005


JOHN KIM
SUPERVISORY PATENT EXAMINER